

REMARKS

As to formal matters, the specification has been amended to correct priority data. It has further been amended to correct a misspelling and remove a hyperlink.

Applicants greatly appreciate the Examiner's reconsideration and rejoinder of Groups I-III-VII, and IX (claims 1-6, 12-17, and 20-21) with the claims of Group II elected in our previous response.

Claims 1-33 were pending. Claims 18, 19, 23 and 28-33 are withdrawn from consideration as being drawn to non-elected matter. New claims 34-37 are added herein. Amended claims 1, 6, and 22 are amended herein to clarify subject matter and provide sufficient antecedent basis. Support for the new claims and amended claims can be found in paragraph [0025] on page 4 of the specification. Accordingly, no new matter has been added. These amendments have been made to obviate the rejection made under 35 U.S.C. § 112, second paragraph.

Oath/Declaration

The oath or declaration is objected to as being defective. The Examiner asserts that the oath or declaration is defective because of non-initialed and/or non-dated alterations. In response to this objection, a proper declaration is submitted herewith, which identifies the application by application number and filing date, and corrects defective non-initialed alterations. Accordingly, a combined declaration and Power of Attorney is now in compliance with 37 C.F.R. § 1.52(c), and is being filed herewith.

Claim Objections

Claim 6 has been objected to because of the apparent misspelling of the term "and". Accordingly, Applicants have amended Claim 6 to correct "an" to read "and".

Claim 26 has been objected to because of the terms "IHF", "Int", "Xis" and "IHF" should be spelled out in full at the first occurrence of these terms. Accordingly, Claim 26 has been amended to spell out these abbreviated terms. Support for this amendment can be found in paragraph [0048] on page 11 of the specification.

Claims 13-17 are objected to as being dependent upon a rejected base claim. Applicants appreciate that the Examiner would allow these claims if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13-17 have been amended to be in independent form by deleting dependency on claim 7. Thus, Applicants respectfully request that this objection is withdrawn.

The Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1-12, 20-22 and 24-27 are rejected under 35 U.S.C. § 112, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, the Examiner asserts that claim 1 recites the broad recitation "allowing replication in a recipient cell", and the claim also recites "preferably in bacteria" and "particularly in Escherichia Coli." which are the narrower statements of the range/limitation. Additionally, claim 1 recites the broad recitation "a same recombination site", and the claim also recites "preferably are identical" which is the narrower statement of the range/limitation. According to the Examiner's suggestion, claim 1 has been amended to delete "preferably in bacteria; particularly in Excherichia coli.", to clearly set forth the metes and bounds of the patent protection desired. Support for this can be found in paragraph [0025] on page 4 of the specification. It is believed that the amendment to claim 1 disposes of this rejection.

The Examiner asserts that claim 6 recites the limitation "said selectable marker genes" in line 1 of the claim, and thus there is insufficient antecedent basis for this limitation in the

claim. Claim 6 has been amended to recite "wherein said vector comprises a selectable marker gene" and the term "genes" has been deleted, to provide sufficient antecedent basis for this limitation. Support for this can be found in paragraph [0025] beginning on page 4. It is believed that the amendment to claim 6 disposes of this rejection.

Claim 22 recites the limitation "said product DNA molecule", in line 14 of the claim. The Examiner asserts that in order to provide proper antecedent basis for this limitation, claim 22 should recite "said product DNA molecules". In accordance with the Examiner's suggestion, claim 22 has been amended to recite this limitation. It is believed that the amendment to claim 22 disposes of this rejection.

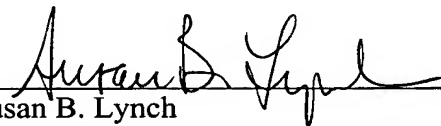
CONCLUSION

Having addressed all of the formal matters raised as well as the objections and rejections, the instant application is believed to be in condition for allowance and passage of these claims to issue is respectfully requested.

Respectfully submitted,

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